

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

Case No: PI-17-00030

Investigators: Roger Wade and Gypsi Ward

Subject: Death Investigation: Christian Andreacchio

Date: 08/24/2017

Predication:

On February 23, 2017, a letter was forwarded via Attorney General Jim Hood to the Public Integrity Division requesting our office review and present a matter to the Lauderdale County Grand Jury concerning the death of Christian Andreacchio. District Attorney Bilbo Mitchell cited numerous reasons of conflict in this matter and at the direction of AG Hood, PID Director Stanley Alexander instructed this matter be opened as a referral case. Andreacchio's was found dead in Meridian, MS on February 26, 2014. The Meridian Police Department, Meridian, MS, investigated the death and determined Andreacchio died from a self-inflicted gunshot wound to the head. The matter was reviewed by the Mississippi Bureau of Investigation and prepared for Grand Jury presentation, with their review confirming the findings of MPD. Several other private investigative firms have also reviewed the case information. All documentation will be recovered and examined further before GJ presentation.

Narrative:

The following entries will outline, generally, what is contained in the various investigations conducted in to this case. Particular attention will be paid to available credible evidence, statements and will address as many of the discrepancies as possible given the information available.

Meridian Police Investigation

The Meridian Police report outlines the initial response, photography of the scene, collection of evidence, statements collected. Both scene photos and the detective's narratives depict how Andreacchio's body was found by law enforcement and other first responders. Both say that Andreacchio was found in the upstairs bathroom slumped over with his head in the bathtub and his legs and arms outside of the bathtub. There was a bullet found in the bathtub and a casing found in the room. Both were collected as evidence. There was also a photograph taken of a hole near the corner of an electrical outlet in the sheetrock wall opposite the bathtub. A firearm was discovered and collected. No mention of the condition where in the cycle of operation the firearm was when found; i.e., state of the firearm's hammer, whether it was loaded or if there was a round in the chamber. Nor was it noted as to whether or not the firearm had been rendered safe by any law enforcement official. The firearm was noted to have been discovered on the left side of Andreacchio's body between the bathtub and his thigh. Gunshot residue collections were made

from Andreacchio, Goodman and Swearingen. A box of 45 caliber black talon ammunition was also collected from the apartment.

Statements were obtained from both Swearingen and Goodman. Dylan Swearingen's statement explains that the deceased, Andreacchio, called and asked if he would come pick him up from St. Rose, LA when the tug boat he worked on was docked there. Swearingen did and drove him back to Meridian. Once back in Meridian they went directly to the apartment. Swearingen said that Andreacchio and Goodman argued about her seeing other men and during the argument Swearingen says he saw Andreacchio put a gun to his head. He also said that he hid the gun from Andreacchio but returned it later. Swearingen said that he left the residence twice. The first time to get food and went to the bank and the second time he went to Best Buy. Swearingen said that he was provided, by Andreacchio, banking information to withdraw money but the bank did not allow it. Swearingen reports that it was on the return of the second trip he discovered Andreacchio deceased. Based on questions asked by Det. Wilburn, Swearingen said that he had heard Andreacchio threaten suicide before and that he did not know why Andreacchio want him to take out his money from the bank. Det. Wilburn asked Swearingen why he gave the firearm back to Andreacchio and he responded with, "I couldn't take it with me?"

Meridian detectives attempted to obtain video of Swearingen at the Best Buy but there was no video.

Whitley Goodman's statement was taken by Det. Thompson. Goodman explained in her statement that Andreacchio had trust issues that affected their relationship. Goodman said that he came home early from work and they took a ride to Bonita Lake where he told her that "...between me and his mom he couldn't make anyone happy". Goodman then describes laying down with her dog, later being woken up by Swearingen and going upstairs to find Andreacchio deceased. Det. Wilburn asked Goodman if Andreacchio had "ever talked about hurting himself", to which she responded, "I don't think so". Det. Wilburn asked Goodman directly if she shot Andreacchio and she responded, "No, Sir." Goodman admits to going upstairs, hugging Andreacchio around his waist and holding his hand. Goodman adds that she did not hear a gunshot and had taken Xanax. Goodman explained that she thought Andreacchio killed himself because he loved her and he didn't think she loved him.

A subsequent interview of Dallas Steele revealed that Goodman alleged to have been shooting firearms the day before Andreacchio's death. Interviews of those she was with that day are inconclusive; one person, Matt Miller, says while Goodman was there she did not fire any weapons, the other, Jett, Miller, says that Goodman did fire weapons.

There was a mention of some missing money and a weapon from Andreacchio's vehicle that was left in Vicksburg, MS but no evidence was presented in the case file to prove or disprove the report.

The case was later reassigned to a different detective, Jerry Bratu. Det. Bratu noted some discrepancies in his review of the case information including but not limited to, positioning of the body, lack of blood spatter, few photographs, position of the weapon, position of the hammer on the weapon, being sent to the wrong address, and time of death vs 911 call time. Det. Bratu followed up on several interviews but developed no physical evidence. What Det. Bratu did note was that those he talked to about Goodman and Swearingen found them to be drug users and were poorly spoken of. Specifically Det. Bratu writes, "Several of Whitley's friends believe she killed Christian or say she was capable of doing it." (Det. Bratu does not offer any evidence provided by these friends.) There was also a note in Det. Bratu's narrative that a life insurance policy on Andreacchio was asked about by Swearingen. (No documentation on a life insurance policy was provided in any of the files given to the MSAGO.)

There was a DNA sample that was taken from the firearm found at the scene but the Det. Bratu noted the MS Crime Lab did not have enough sample to create a profile.

It should be noted here that the photographs from the scene investigation are of poor quality and do not show much detail in the condition of the bathroom. There are photos that suggest some markings either on the wall near the electrical outlet and on the floor between the bathtub and toilet may be blood spatter but no mention is made of any sample collection of these markings. As will be evident when reviewing other photos and reports presented in this case there were blood spatter markings made on the wall opposite the toilet with no explanation in the initial Meridian PD report. None of the photos taken are given scale. Photos of the weapon are either blurry when it was photographed in the position it was found or after it had been handled by one of the investigating officers.

The Meridian Police Department initially ruled the case a suicide. Det. Bratu brought the information he gathered in his follow-up investigation to the District Attorney's Office. No presentation to the grand jury was made.

Autopsy Report

The autopsy exam and report were completed by the Mississippi State Medical Examiner's Office by Lisa Fuente, M.D., PhD, Pathologist on February 27, 2017. The autopsy findings were, "gunshot wound to the head, injury of the skull and brain, no projectile, trajectory of the bullet: right to left, front to back and without significant deviation upward or downward." The Cause of Death was listed as "Gunshot wound of the head" and the manner of death was listed as "Suicide". The body was reported as being in partial rigor and described livor as "Red-purple present on the right side as well as anteriorly and is fixed". The report describes the gunshot wound in detail; entry wound is ½ inch in diameter and exit wound is "3/8 inch by 1 1/8 inch overall". (Suggests projectile could have been tumbling as it exited the skull.) The pathologist describes soot throughout the wound. Other noted injury was described as "An abrasion is present on the bridge of the nose." No explanation or other mention is made of this injury. No other injuries or abnormalities are noted by the pathologist. According to the "Summary and Interpretation", Andreacchio had history of depression and based on that and the nature of the wounds the pathologist determined the manner of death a suicide.

There are 32 autopsy photographs which depict the description the pathologist provided.

No examinations of the clothing or other personal effects were noted.

Dubord Investigation

The Dubord Investigation document is limited to a five page summary of their findings. In what the report labels as "Forward" Dubord finds "...multiple inconsistencies and changing stories lead us to believe that Christian did not commit suicide or at least that the stories given to police by the individuals on scene were inconsistent with physical evidence."

The report has a section labeled "Facts changing the dynamic of the case" where the investigator lists in bullet points four points that they believe prove their findings. They surmise that the body was moved post-mortem based on the "position of the body, abrasions on the face and nose, blood spatter, position of the firearm and other physical observations" The report does not illustrate any specifics; i.e. what blood spatter pattern the investigator was referring to, whether he was referring to the physical condition or location of the firearm and "other" observations is vague. The investigator does not offer any evidence that says either one or both Goodman or Swearingen shot Andreacchio.

In the section "Odd facts about the investigation:" the investigator makes ten bullet points. The condition of the firearm is addressed. The point is made that the firearm in its normal function would not have been

found with its hammer forward and concludes that it would have to have been done someone other than Andreacchio after his death. The investigator does not offer evidence as to whom or when this would have happened. The location of the weapon found is explained as odd because it was located on the left side of Andreacchio's body, who is right handed. The location of the firearm when found is evidence that the scene had been tampered with prior to law enforcement arrival. The location of Andreacchio's body is also addressed here in the report. It is unlikely that Andreacchio's body would have come to rest in the position as found by law enforcement responders. The other points made in this section of the report are circumstantial and offer no evidence of actions taken by Goodman or Swearingen.

The section labeled "Questions yet answered:" lists questions, in the investigator's opinion, have not been answered either by the physical evidence or statements taken. No evidence is provided to prove that either Goodman or Swearingen shot Andreacchio.

The rest of the Dubord report provides a timeline and phone numbers associated with the case.

Knox and Associates Investigation

The investigation by Knox and Associates (Knox) offers review of the scene photos, evidence collected and the autopsy results.

Knox initially comments on the photographs taken at the scene by MPD. Knox makes the comment in their report that there "were no obvious indications of bloodstain evidence on the bathroom floor or bathroom fixtures.", when referring to the photos showing Andreacchio slumped over into the bathtub. In the report is a photo of the sink area where the electrical outlet, part of the sink, counter and mirror are visible. Knox describes the hole in the sheetrock wall near the lower right corner of the electrical outlet as a "bullet impact defect". Knox also indicates that there are stains on the wall that are "...consistent....with impact bloodstain patterns..." Knox comments after closer examination that the stain patterns were not investigated to an extent that source location could be exacted. Another photo reviewed is that of a "blurry photograph" that shows the "projectile in the blood inside the bathtub." There are several photos of the exterior portion of the bathroom door and wall opposite the sink and toilet that show blood stains. Knox concluded that these stains came from when the body was moved by the coroner.

Knox also reviewed and commented on the autopsy report and photos. Photos show the blue hoodie Andreacchio was wearing was heavily stained with blood; possibly due to transport position in the body bag. Knox notes a blood saturation stain on Andreacchio's pants leg in the knee area. Knox was unable to offer any explanation for this stain. Knox outlines the entry and exit wounds with verbiage from the autopsy report. There is a mark noted in Knox's report that the autopsy does not address; a mark on the lower right back of Andreacchio. There is no explanation for this mark. Knox then discusses lividity in the lower extremities; lividity in the back of the right leg. Knox asserts here that for lividity to have developed in this area the position of Andreacchio's body after death could not have been in the position law enforcement found it in.

Knox then focuses on the firearm found on scene. The firearm was a Kimber .45ACP caliber Raptor II semi-automatic pistol. Knox describes the firearm as being found "...lying under Andreacchio's body inside the bathtub". (The photos and other documentation do not say the firearm was found inside the bathtub but rather wedged between Andreacchio's left thigh and outer shell of the bathtub) Also noted was that there was a round in the chamber and a magazine with six live cartridges. (The magazine holds 8 rounds) Knox then discusses, with the aid of scene photos, how the pistol was found. The pistol was found wedged between Andreacchio's left hip/thigh and the exterior wall of the bathtub with the "hammer" forward. Knox went into detail about describing how or why the hammer could be forward.

The cycle of operation on this type of firearm would have left the hammer in the rear position. Knox determined that Andreacchio could not have altered the condition of the firearm after being shot. Knox then made the assertion that barring any malfunction the hammer would have had to have been returned to the forward position by another party.

When examining the photos of the firearm evidence other stains that could be blood stains were noted on the bathroom counter. Knox points out however that since no swabs were collected no definitive answer can be given as to the source of the stains.

The projectile and spent casing were found; Knox commented that since the casing was found the firearm cycled without malfunction.

Knox in conclusion explains the reasoning as to how the determination is made in this case. First Knox rules out that the death was accidental stating, "there is no evidence to support the conclusion that the pistol discharged for any reason other than an intentional pull of the trigger". Knox says, "The probability that Christian Andreacchio's death was a suicide is remote..." Knox justifies this in seven points; 1) position/location of the pistol when found by LEO, 2) Bullet impact vs location of body at LEO arrival, 3) No blood spatter indicated on or around bathtub, 4) No dripped blood outside bathtub, 5) Spatter location verses where Andreacchio's head would have been, 6) Post mortem lividity on back of legs, and 7) Pistol hammer uncocked.

Knox does say that the "...gunshot wound in and of itself cannot be ruled inconsistent with a self-inflicted gunshot wound, forensically there is not difference between a gunshot wound that is self-inflicted and one that is inflicted by another with the pistol in the same position relative to the body..." Knox excludes the possibility of suicide because of the location of blood spatter and the uncocked pistol hammer. Knox finishes his report by stating that only physical evidence was considered in his analysis, that "no analysis of the investigative, criminological or victimological evidence..." was considered. Knox determines Andreacchio's death "...was the result of a homicide".

Arden Forensics

Pathologist Jonathan Arden, MD was also consulted on the death of Andreacchio. According to his report he reviewed MPD reports, Autopsy, Coroner, Toxicology reports, scene photos and the Knox and Associates report. Dr. Arden makes the following assertions that the scene was staged as found by law enforcement, that there is no differentiation in gunshot wounds from homicide and suicide, time of death was earlier than reported, ballistics evidence does not support where body was found and Coroner ruled manner of death as undetermined.

Dr. Arden makes the argument that the scene was staged based on the firearm placement after Andreacchio was deceased. Dr. Arden wrote that once the shot was fired and the damage to the brain was done Andreacchio would be incapable of putting the firearm in the position it was found. Dr. Arden believes someone else placed the firearm on Andreacchio's left side. Dr. Arden adds that "A staged death scene by itself is highly suggestive of, and suspicious for, a homicidal death."

Dr. Arden describes the gunshot wound as a "...tight-contact gunshot wound to his right temple." His report goes on to call the wound a "...classic scenario for a suicidal gunshot wound." but later says the wound cannot be differentiated between a gunshot wound where Andreacchio shot himself or if "...another person put a gun to his head and fired it".

Dr. Arden also reported that it was his belief that Andreacchio was dead longer than had been reported. Dr. Arden based this opinion on the stage of lividity found in Andreacchio's body. Dr. Arden reports that

livor mortis develops over several hours and gives an estimate of somewhere between 4-12 hours. Also, this livor mortis indicates a physical change in body position/location due to livor mortis being present in the back of the right calf. Dr. Arden determined that Andreacchio's body had been moved and that the stories provided by those on scene were false when reporting when they found the body.

The bullet strike on the wall behind Andreacchio is another inconsistency noted by Dr. Arden. Dr. Arden explains that if Andreacchio had been shot in the head over the tub the bullet strike would have been in the wall/inside of the tub and does not explain the mark on the wall near the outlet.

Dr. Arden commented that the Coroner ruling the manner of death as undetermined suggests that "...there is insufficient evidence on which to base a conclusion on the manner of death, or that there is substantial doubt as to which manner of death is most likely". This, in Dr. Arden's opinion, should have prompted a more thorough investigation

Dr. Arden provided the opinion "...the manner of death of Mr. Andreacchio is homicide, and should be so certified."

Christian Andreacchio Cell Phone Analysis

Christian Andreacchio's cell phone data was retrieved as well as a court order for AT&T to produce phone records for Andreacchio's phones were obtained. All of the items recovered regarding Andreacchio's phone were reviewed by investigators. The information reviewed included but was not limited to phone call logs, text messaging logs any notes saved on the phone.

With regards to messaging between Andreacchio and Goodman, it is obvious that the two were in a tumultuous relationship. Messages between the two showed that Goodman had been unfaithful in their relationship and that caused Andreacchio to be very suspicious of her whereabouts and activities when he was away working. When they would argue Andreacchio would send messages to Goodman like "I feel like I don't have a purpose.", "The world keeps spinning it would do the same as if I was in the ground", "If this doesn't work when I get to my apartment I'm putting my pistol in my mouth and I'm ending this I'm ending this once and for all because you're the closest I have ever been to happiness and without that it doesn't get any better for me I don't want it to get worse and that is it for me"

The messages also show that Andreacchio and his mother Rae had a strained relationship during the time before his death. There were several messages between Andreacchio, Goodman, Josh(his brother), Alexa (his sister) and Rae that illustrate the point. An example is this message from Rae to Andreacchio,

"No I didn't but I do a lot of things for my family that I don't have to do but I do because I love them and that is my way of showing them that.

We need to talk on the phone before you come home. Not now but in a week or two. One night when you know I will be home and you have some down time. We don't communicate well over text which is one reason I think we have gotten to where we are now.

We need to resolve this conflict between us one way or the other. I can't do this anymore. The past 9 months has really weighed on me and it has effected my other relationships, my work and my overall stability. I am very erratic and I have never been that way. It has made me become a person I don't like being so things have got to change. We either need to find a compromise and you be considerate and come back to being like you used to be and enjoying being with your family or we need to remove each other from our life. That

would kill me but at least I would know what to expect with you instead of waiting every day you are home to come see me or eat with us or just call to talk like you used too.

I would have expected this behavior from Josh or Alexa but never you and that is what had killed me about this. You were my sidekick. My buddy.

I have made concessions, wrote letters, sent cards.....and you have really not done anything to get our relationship back on track. You text and say you love us and miss us but your actions don't show that. It's like you are just saying words that you think you should say. So.... Call me in a couple weeks and let's talk.

There are other messages that show Andreacchio's frustration with his mother, Rae.

The records reflect that Swearingen was truthful when explaining how he was contacted by Andreacchio and subsequently went to pick him up in Louisiana and brought him to Meridian, MS. Once Andreacchio reached Meridian the GPS coordinates show that his phone stayed in the area near the apartment complex for the rest of the day. The text records show a brief conversation between Swearingen and Andreacchio that supports Swearingen's statement that Andreacchio asked him to take out money from his bank account. The message shows Swearingen asking if Andreacchio wanted him to withdraw the money, Andreacchio saying that he did and providing account number information and social security number information. It appears the last exchange of text messages to and from Andreacchio was with Swearingen, where Swearingen asked if he wanted cigarettes and Andreacchio said that he did not.

There are several calls placed to Miller from Andreacchio's phone made during the time of death. This suggests that someone other than Andreacchio made the calls.

Cell Phone Records of Goodman, Swearingen and Miller

Cellular phone record search warrants were obtained for Whitely Goodman, Dylan Swearingen and Matt Miller's cell accounts. Those records were received and reviewed.

The GPS coordinates show that Swearingen traveled to Louisiana and returned to Meridian, MS at approximately 12:15pm on February 26, 2017. Swearingen later traveled to the area near Muna Credit Union at approximately 12:40pm and returned to the area around the apartment complex approximately 1:12pm. There is a significant gap in time between approximately 1:49pm and 3:21pm where no calls or text messages were sent, therefore no GPS coordinates recorded. Having no record in this nearly 3 hour gap there is no way to use phone record data to verify Swearingen's location during this time. Swearingen's records reflect calls made to Miller's phone during the same time Andreacchio's phone was making calls to Miller.

It does appear that both Goodman and Miller were in the same location on the morning of February 26, 2014. Goodman travels to the apartment in Meridian sometime that morning. It does not appear that Miller follows her there nor is Miller in the area of the apartments during the time frame around the time of death.

Miller's phone records reflect the calls made to his phone by Andreacchio's phone; it does not appear that the calls were answered. Miller's records do not indicate that he was near the area of the incident during the time of Andreacchio's death

Conclusions and findings

After reviewing the case file to include all reports (law enforcement and non-law enforcement) it is still believed to be a case of suicide. It does appear that Andreacchio was moved post-mortem and that the firearm was also moved. The scene shows no sign of a struggle. The bathroom where Andreacchio suffered the gunshot wound is small and no signs of a fight occurring in the room were ever noted nor were they visible in the photographs taken at the scene. The contact wound to Andreacchio's head is consistent with a self-inflicted injury. The trajectory of the bullet impact on the opposite wall proves Andreacchio was seated on the toilet seat when the firearm was discharged

This case will be presented to the next available grand jury in Lauderdale County, MS.